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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 CHARLES JOHNSON,

11 Defendant.

NO: 2:15-CR-0122-TOR

ORDER DENYING DEFENDANT'S  
MOTION TO AMEND SPECIAL  
CONDITION NO. 12

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13 BEFORE THE COURT is Defendant's Motion to Amend Condition of  
14 Supervised Release. ECF No. 141. The motion was submitted for consideration  
15 without oral argument. Having reviewed the file and the records therein, the Court  
16 is fully informed.

17 On September 25, 2018, Defendant appeared before the Court for sentencing  
18 after pleading guilty to possession of child pornography in violation of 18 U.S.C. §  
19 2252A(a)(5)(B). The Court imposed a sentence of 42 months incarceration and a  
20 life term of supervised release pursuant to a Rule 11(c)(1)(C) plea agreement. ECF

ORDER DENYING DEFENDANT'S MOTION TO AMEND SPECIAL  
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1 Nos. 139, 140. Among other terms of supervised release, the Court included  
2 Special Condition No. 12 which prohibits Defendant from possessing any camera  
3 or recording device. ECF No. 139 at 6. Defendant's term of supervised release  
4 commenced on November 20, 2018, upon his release from the Bureau of Prisons'  
5 custody. He now moves the Court to amend Special Condition No. 12 to allow  
6 him to possess a cellular telephone which contains a camera. Defendant posits that  
7 for purpose of supervision, it would seem advantageous for him to have a cellular  
8 telephone, giving his supervising probation officer more direct access to him. *Id.*  
9 at 2. In support of his motion, Defendant details his unsuccessful efforts to locate a  
10 cellular telephone carrier whose network supports cellular telephones that do not  
11 include cameras. Defendant also notes there are other special conditions of his  
12 supervised release currently in place that will assist in ensuring that the cellular  
13 telephone is not used for improper purposes.

14 While the Court appreciates Defendant's efforts to procure a cellular  
15 telephone without a camera, amending Special Condition No. 12 is not necessary  
16 as there are other alternatives available. For example, there are software programs  
17 or applications ("apps") available to disable cameras on a variety of cellular  
18 telephone operating systems - - e.g., Android, iPhone, MS Windows.

19 Alternatively, the cellular telephone camera (front and rear) could be physically  
20 disabled by a drill or etching the lenses to make them unusable. Defendants

1 expressed need for a cellular telephone does not outweigh the Court's concern that  
2 Defendant not possess any camera or video recording device. Accordingly,  
3 Defendant's motion is denied.

4 **IT IS HEREBY ORDERED:**

5 1. Defendant's Motion to Amend Condition of Release (ECF No. 141) is  
6 **DENIED.**

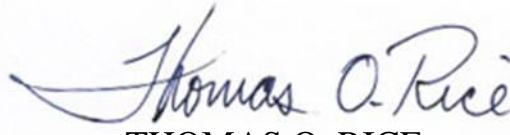
7 2. All standard and special conditions of Defendant's supervised release as  
8 specified in the Judgment (ECF No. 139) remain in effect.

9 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
10 this Order and provide copies to counsel, and the United States Probation Office.

11 DATED January 29, 2019.



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THOMAS O. RICE  
Chief United States District Judge